

CHAPTER 171: SEWERS AND SEWAGE DISPOSAL

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GENERAL PROVISIONS

§ 171.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIOCHEMICAL OXYGEN DEMAND (OR BOD). The quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

BOARD. The Board of Sanitary Commissioners of the Sanitary District of Highland, Indiana, or any duly authorized officials acting in its behalf.

BUILDING (OR HOUSE) DRAIN. That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to a point approximately four feet outside the foundation wall of the building.

BUILDING (OR HOUSE) SEWER. The pipe which is connected to the building (or house) drain at a point approximately four feet outside the foundation wall of the building and which conveys the building's discharge from that point to the

public sewer or other place of disposal.

CHEMICAL OXYGEN DEMAND (COD). A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of ten to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds; and
- (5) Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

DISTRICT. The Sanitary District of Highland, acting by and through the Board of Sanitary Commissioners.

EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the district.

GARBAGE. Any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL SEWAGE. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development,

recovery or processing of any natural resources carried on by any person, exclusive of sanitary sewage.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. *INFILTRATION* does not include and is distinguished from inflow.

INFLOW. The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. *INFLOW* does not include, and is distinguished from, infiltration.

INFILTRATION INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INSPECTOR. The person or persons duly authorized by the district, through the board, to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

NORMAL DOMESTIC SEWAGE. This term shall have the same meaning as defined in this chapter.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

OUTLET. Any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institutions,

enterprise, governmental agency or other entity.

pH. The logarithm (to the base ten) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

PRIMARY SEWER MAIN. The public sewer main which is required to transport sewage from the property line of the nearest prospective customer to the proposed point of connection at the sewage works existing sewer main.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than onehalf inch in any dimension.

PRIVATE SEWER. A sewer which is not owned by a public authority.

PUBLIC SEWER. A primary sewer or secondary sewer in which all owners of abutting property have equal rights and which is controlled by the sewage works.

RECEIVING STREAM. The watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.

SANITARY SEWAGE. Sewage discharged from the sanitary conveniences of dwellings (including apartment houses, hotels and motels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

SECONDARY SEWER MAIN. The public sewer main which is required to provide services from a prospective customer to the primary sewer main.

SERVICE CHARGE. The basic charge levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a surcharge will be made.

SEWAGE. The water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

SEWAGE WORKS. The organization and all facilities for collecting, transporting

and pumping of sewage, namely the sewerage system.

SEWER. A pipe or conduit for carrying sewage or other waste liquids.

SEWERAGE SYSTEM OR SEWAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and Guidelines Establishing Test Procedures for Analysis of Pollutants, Regulation 40 CFR 136, published in the Federal Register on October 16, 1973.

STORM SEWER. A sewer which carries storm and surface water drainage but excludes sanitary and industrial sewage.

SUPERINTENDENT. The Superintendent of the district or his duly authorized representative.

SURCHARGE. The extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the treating sewage works a burden greater than that covered by the basic service charge.

SUSPENDED SOLIDS or *S.S.* Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

TOTAL REVENUE. That revenue obtained from bimonthly billing for the use of and service rendered by the sewage system and does not include front foot assessments, permit or inspection fees or other charges.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOWN. The town, acting by and through the Highland Sanitary District, Board of Sanitary Commissioners.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse

effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 550 degrees centigrade for 15 to 20 minutes.

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently.

('83 Code, § 17-16) (Ord. 764, passed 3-20-78)

§ 171.02 DISTRICT TO REQUIRE CONNECTIONS.

(A) The district shall take all actions or proceedings necessary and proper to require connection to the sewage works' sewage system of all property within the district limits on which construction is started after the effective date of the ordinance from which this article is derived, where sewage is discharged for any and all purposes.

(B) In the event the sewage works deems it inadvisable to extend sewer mains to the real estate upon which such construction is started, as described above, because of the cost of such extension in relation to the revenue anticipated to be received from customers to be served thereby, the provisions of division (A) will not apply. It shall be the intent of this chapter, insofar as possible, to cause all such property to be connected with the sewage works system.

('83 Code, § 17-17) (Ord. 764, passed 3-20-78)

§ 171.03 USE OF SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the district or in any area under the jurisdiction of the district, any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the district, or in any area under the jurisdiction of the district, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the district, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

('83 Code, § 17-18) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.04 ENTRY POWERS, INSPECTION POWERS, AND THE LIKE, OF

GOVERNMENTAL OFFICIALS.

- (A) The Superintendent, inspector, and other duly authorized employees of the district, state water pollution control employees and U.S. Environmental Protection Agency employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent or his representatives, state water pollution control employees and U.S. E.P.A. employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the district shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the district employees and the district shall indemnify the company against loss or damage to its property by district employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 171.45 of this code.
- (C) The Superintendent and other duly authorized employees of the district bearing proper credentials and identification shall be permitted to enter all private properties through which the district holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- ('83 Code, § 17-19) (Ord. 764, passed 3-20-78)

§ 171.05 BILLING AND COLLECTION OF CHARGES AND RATES.

- (A) Sewage service bills shall be rendered bimonthly, or at such times as may be determined hereafter by the Board at the same time as water service bills of the municipal water utility of the town are, or may from time to time be rendered and shall be payable at the same time as water service bills of said utility are payable. Such sewage service bills shall be based upon the rates and charges for the use of and service rendered by the sewage works, as described in this chapter. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners; but such billings shall in no wise way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the district for the purpose of determining whether such rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which said

records are kept and during the hours that such office is open for business.

- (B) The rates or charges made pursuant to the terms of this chapter against any lot, parcel of real estate or building that is connected with and uses the sewage works by or through any part of the sewage system of the district, or that in any way uses or is served by such works, shall be a lien, and the same are hereby declared, made and constituted a lien upon and against any such lot, parcel of real estate or building. Such lien, after written notice to the owner of any such lot, parcel of real estate or building, shall attach as such rates or charges become due and payable, and shall be superior to and take precedence over all other liens except the lien for taxes, and shall be enforced as hereinafter set out. Such rates or charges so established shall be paid within 30 days after same are due. If such rates or charges are not paid within said 30-day period after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of 10% of the amount of such rates or charges shall thereupon attach thereto, which rates or charges, together with the penalty shall be collectible in the manner hereinafter provided.
- (C) It shall be the duty of the Clerk-Treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided. *The Clerk-Treasurer shall on the first day of July of each year certify to the County Auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent prior to said first day of July.* Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the County Auditor, and the amount of such rates or charges, together with the amount of the penalty. It shall be the duty of the County Auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of Chapter 299 of the Acts of 1945 of the General Assembly of the State of Indiana, and all acts amendatory thereof or supplemental thereto.
- (D) In addition to the methods of collection of such rates or charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the sewage works shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the sewage works shall recover the amount of such rates or charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of Chapter 299 of the Acts of 1945 of the General Assembly of the State of Indiana, and all acts amendatory thereof or supplemental thereto.
- ('83 Code, § 17-20) (Ord. 764, passed 3-20-78)

§ 171.06 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the district and any industrial

concern whereby an industrial waste of unusual strength or character may be accepted by the district for treatment, subject to payment therefor by the industrial concern.

(`83 Code, § 17-21) (Ord. 764, passed 3-20-78)

§ 171.07 UNAUTHORIZED BREAKING, TAMPERING, AND THE LIKE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(`83 Code, § 17-22) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.08 COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now, or projected to be in effect.

(`83 Code, § 17-23) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.09 UNLAWFUL CONNECTIONS.

It shall be unlawful for anyone to make connection to a sewage works primary line or secondary line without first making application for connection and complying with the provisions of this chapter. *Violators shall be subject to a penalty of \$100 plus twice the base bi-monthly sewage rate for the period involved. Anyone using the services of the sewage works and not paying for such services, or not reporting the use of such services as of March 20, 1978, shall be subject to a penalty of twice the assessment charge plus twice the minimum quarterly sewage rate for the period from March 20, 1978.*

(`83 Code, § 17-24) (Ord. 764, passed 3-20-78)

§ 171.10 VIOLATIONS; NOTICE; LIABILITY; REMEDIES.

(A) Any person found to be violating any provision of this subchapter except § 171.07 shall be served by the district with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in § 131.06 of this code.

(C) Any person violating any of the provisions of this subchapter shall become liable to the district for any expense, loss, or damage occasioned the district or district users by reason of such violation.

(D) The Board shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this subchapter. The Board is hereby authorized to institute proceedings in the Circuit or Superior Courts of the county for prohibitory or mandatory injunctive relief to prevent or discontinue any violations hereof.

(`83 Code, § 17-25) (Ord. 764, passed 3-20-89)

BUILDING SEWERS AND CONNECTIONS

§ 171.20 CONNECTION PERMIT

- (A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- (B) That there shall be the following classes of building sewer tap permits:
 - (1) For single family or two family (duplex) residential service;
 - (2) For multi-family residential having three or more units service;
 - (3) For commercial service or establishments;
 - (4) For industrial waste producing establishments; and
 - (5) For service in a duly designated economic development area.
- (C) The owner or his/her agent shall make application on a special form provided by the sewage works. The permit applications shall be supplemented by any plan, specifications or other information considered pertinent in the judgment of the Superintendent.
- (D) The following sanitary (wastewater) and storm water sewer permit and tap fees are hereby in effect:
 - (1) \$300 per single-family residential unit or per unit of a two unit (duplex) residential building;
 - (2) \$500 per multiple family residential building having three or more units;
 - (3) \$500 per commercial tap to a sanitary sewer, in the case of a storm water, \$500 per commercial building;
 - (4) \$700 per industrial tap to a sanitary sewer, the case of a storm water, \$700 per industrial building; and
 - (5) \$500 per quarter acre for users in a duly designated economic development area. The rate will be applied to the nearest quarter acre.
- (E) The Board of Sanitary Commissioners may assess sanitary (wastewater) and storm water sewer permit and tap fees for users in a duly designated economic development area as follows:
 - (1) For a user's entire property area; or

- (2) For the area of a user's property contained within an assessment district established pursuant to IC 36-9-39.1 et seq.;
- (3) Permit and tap fees established pursuant to §171.20 (E)(1) and (2) may be deferred by the Board of Sanitary Commissioners by allowing said fees to be added to the amount of an assessment levied against a user's property pursuant to IC 36-9-39.1 et seq.

(Amended by Ordinance No. 1430 adopted 27 July 2009)

§ 171.21 COSTS OF, AND LIABILITIES FROM, CONNECTIONS.

All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the district from any loss or damage that may directly or indirectly be occasioned by said installation.

('83 Code, § 17-42) (Ord. 764, passed 3-20-78)

§ 171.22 SEPARATE AND INDEPENDENT BUILDING SEWER REQUIRED.

A separate and independent building sewer shall be provided for every building, except where two buildings are in close proximity and no private sewer is available or can be constructed to the second building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the second building and the whole considered as one building sewer. A single sewer may serve an industrial complex under a single ownership.

('83 Code, § 17-43) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.23 USE OF OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter.

('83 Code, § 17-44) (Ord. 764, passed 3-20-78)

§ 171.24 BUILDING SEWER SPECIFICATIONS.

(A) The building sewer shall be cast iron soil pipe, ASTM specification or equal, vitrified clay sewer pipe, ASTM specification or equal, or other suitable material as governed by the Indiana Uniform Plumbing Code in effect as of March 20, 1978, and any provisions thereof which may be amendatory thereof or supplemental thereto from time to time hereafter, and as shall be approved by the Superintendent. Joints shall be tight and waterproof.

(B) Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

('83 Code, § 17-45) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.25 BUILDING SEWER SIZE, SLOPE, AND LOCATION.

(A) The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less *that* four inches for single-family or duplex residential units and not less than six inches for all other uses. The slope of such four- inch pipe shall be not less than one-fourth inch per foot or sufficient slope to maintain a two feet per second velocity in the sewer.

(B) No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

('83 Code, § 17-46) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.26 BUILDING SEWER LIFTS; EJECTORS, AND THE LIKE.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

('83 Code, § 17-47) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.27 JOINTS.

(A) All joints and connections shall be made gas tight and water tight, and as governed by the Indiana Uniform Plumbing Code in effect as of March 20, 1978, and any provisions thereof which may be amendatory thereof or supplemental thereto from time to time.

(B) Cast iron joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. Approved joints of prefabricated elastomeric seal rings or sleeves may also be used.

(C) All joints in vitrified clay pipe shall be made with ASTM C425 type joints. Joints between clay pipe and pipe of other materials shall be made with approved adapter fittings or prefabricated elastomeric sealing rings or sleeves.

(D) Other jointing materials and methods may be used by approval of the Superintendent.

('83 Code, § 17-48) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.28 CONNECTIONS TO PUBLIC SEWER.

(A) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer does not have a properly located "Y" branch, the owner shall at his

expense install an approved tapping saddle in the public sewer at the location specified by the Superintendent. The tapping saddle shall be installed in a neatly tapped hole cut into the public sewer; said connection between the tapping saddle and public sewer shall be secured by the use of epoxy compound. The centerline of the building sewer at the tapping saddle shall be at or above the centerline of the public sewer. A smooth, neat joint shall be made, and the connection made secure and water-tight. Special fittings may be used for the connection only when approved by the Superintendent.

- (B) The applicant for the building sewer permit shall notify the Superintendent 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
(`83 Code, § 17-49) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.29 EXCAVATIONS, BACKFILLING, AND THE LIKE.

- (A) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications except that no backfill shall be placed until the work has been inspected by the Superintendent or his representative.
- (B) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the district.
(`83 Code, § 17-50) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

DISCHARGE REGULATIONS

§ 171.40 STORM WATER, SURFACE WATER, COOLING WATER, AND THE LIKE.

- (A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or sub-surface drainage to any sanitary sewer.
- (B) Storm water and all other unpolluted waters shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by proper authorities.
- (C) Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the district. Where a storm sewer is not available, discharge may be to a natural outlet approved by the district and by the state. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged into a sanitary sewer by obtaining a written approval by the Board.
- (D) Industrial cooling water, which may be polluted with insoluble oils or grease

or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with division (C).
('83 Code, § 17-61) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.41 CERTAIN HARMFUL WASTES TOTALLY PROHIBITED.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
- (C) Any waters or wastes having a pH lower than 4.5 or having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

('83 Code, § 17-62) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.42 DISCHARGES SUPERINTENDENT MAY REGULATE OR PROHIBIT.

- (A) The admission into the public sewers of any waters or wastes having:
 - (1) A five-day biochemical oxygen demand greater than 220 milligrams per liter by weight; or
 - (2) Containing more than 260 milligrams per liter by weight of suspended solids; or
 - (3) Containing any quantity of substances having the characteristics described in division (C); or
 - (4) An average daily flow greater than 5% of the average daily sewage flow of the district; shall be subject to the review and approval of the Superintendent.
- (B) (1) Where necessary in the opinion of the Superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to:
 - (a) Reduce the biochemical oxygen demand to 220 milligrams per liter and the suspended solids to 260 milligrams per liter by weight; or
 - (b) Reduce objectionable characteristics or constituents to within the maximum limits provided in division (C); or

- (c) Control the quantities and rates of discharge of such waters or wastes.
- (2) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the *Stream Pollution Control Board of the state*, and no construction of such facilities shall be commenced until said approval is obtained in writing.
- (C) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes except if it appears likely in the opinion of the Superintendent that such wastes will not harm either the sewers, sewage treatment process or equipment, nor have an adverse effect on the receiving stream, nor can otherwise endanger life, limb, public property nor constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Included, but not limited to, the substances not acceptable, are the following:
- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit, 65 degrees centigrade.
 - (2) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Superintendent.
 - (3) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (4) Any waters or wastes exceeding the following maximum allowable limits:
2.0 mg/l of Boron, 10.0 mg/l of Chromium (hexavalent), 25.0 mg/l of Chromium (trivalent), 5.0 mg/l of Copper, 10.0 mg/l of Cyanide, 50 mg/l of Iron fez, 0.5 mg/l Lead, 10.0 mg/l of Nickel, 100 mg/l of oil and grease, and the like (hexane solubles), temperature not over 150 degrees F (65 degrees C), free acids and alkalis pH between 4.5 and 9.5, 10.0 mg/l of Zinc, 2.0 mg/l of Cadmium, and 30.0 mg/l of Chlorine demand.
 - (5) Any waters or wastes containing phenols or other taste- or odor-producing substances after treatment of the composite sewage, in such concentrations exceeding limits which may be established by the Superintendent as necessary to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the respective waters.
 - (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
 - (7) Any waters or wastes having a pH in excess of 9.5.

- (8) Materials which exert or cause:
- (a) Unusual concentration of inert, suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (D) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with "Standard Methods."
- (E) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C), and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall:
- (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges;
 - (2) Require other methods of disposal; and/or
 - (3) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
 - (4) Require control over the quantities and rates of discharge; and/or
 - (5) Require facilities to prevent accidental discharge of any unacceptable wastes; and
 - (6) Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of this chapter and all ordinances amendatory thereof and supplemental thereto, and any fines, penalties or damages assessed against the district for discharge of such wastes.
- ('83 Code, § 17-63) (Ord. 764, passed 3-20-78)

§ 171.43 PRETREATMENT FACILITIES.

- (A) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
 - (B) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 - (C) Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the district and the state, and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the district to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the district a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against district monitoring records.
 - (D) Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (U.S. E.P.A.) and published in the Federal Register on November 8, 1973 (40 CFR 128), and "Federal Guidelines Establishing Test Procedures for Analysis of Pollutants," published in the Federal Register on October 16, 1973 (40 CFR 136), in addition to any more stringent requirements established by the district, and any subsequent state or federal guidelines and rules and regulations.
- ('83 Code, § 17-64) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.44 INSPECTION, AND THE LIKE, OF NONRESIDENTIAL DISCHARGES.

- (A) Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of volume, character and concentration. The examination shall be made as often as the Superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.
- (B) The district may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows characteristics. Such measurements, test, and analysis shall be made at the user's expense. If

made by the district, an appropriate charge may be assessed to the user at the option of the district.

('83 Code, § 17-65) (Ord. 764, passed 3-29-78)

§ 171.45 FLOW MEASURING AND SAMPLING FACILITIES; CONTROL MANHOLE.

(A) The installation, operation and maintenance of the flow measuring and sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes.

(B) Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

('83 Code, § 17-66) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.46 INTERCEPTORS.

(A) Fat, grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Approval of any such interceptors by the Superintendent shall not relieve any person of the responsibility of complying with the discharge requirements of this subchapter.

(B) Fat, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(C) Where installed, all fat, grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

('83 Code, § 17-67) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

§ 171.47 INSPECTION OF DISCHARGES TO REVIEW RATES.

The strength of wastewaters shall be determined for periodic establishment of charges provided for in this chapter from samples taken at the control manhole at any period of time and of such duration and in such manner as the district may elect, or, at any place mutually agreed upon between the user and the district. Appropriate charges for sampling and analysis may be assessed to the user at the option of the district. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the

district.
(`83 Code, § 17-68) (Ord. 764, passed 3-20-78)

§ 171.48 NOTICE TO DISTRICT OF SPILLS, UNUSUAL FLOWS, AND THE LIKE.

Users of the sewage system shall immediately notify the district of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(`83 Code, § 17-69) (Ord. 764, passed 3-20-78) Penalty, see § 10.99

USER RATES AND CHARGES

§ 171.60 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Board of Sanitary Commissioners of the town, or any duly authorized officials acting in its behalf.

BOD OR BIOCHEMICAL OXYGEN DEMAND. This term shall have the meaning ascribed to it in this chapter.

COMMERCIAL USER. Any establishment listed in the Office of Management and Budget's Standard Industrial Classification Manual (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

DEBT SERVICE COSTS. The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

DISTRICT. The Sanitary District of Highland, Indiana, or any duly authorized officials acting in its behalf.

EXCESSIVE STRENGTH SURCHARGES. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.

GOVERNMENT USER. Any federal, state or local government user of the wastewater sewage works.

INDUSTRIAL USER. Any manufacturing or processing facility that discharges industrial waste to a publicly owned sewage system. Industrial users shall be as identified in the Office of Management and Budget's Standard Industrial Classification Manual (1972 Edition) under Divisions A, B, D, E or I.

INDUSTRIAL WASTES. The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

INSTITUTIONAL USER. Any establishment listed in the Office of Management and Budget's Standard Industrial Classification Manual (1972 Edition) involved in a social, charitable, religious, and/or educational function which, based on a determination by the town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

NPDES PERMIT. This term shall have the meaning assigned to it in this chapter.

NORMAL DOMESTIC SEWAGE. Wastewater or sewage having an average daily concentration as follows: BOD not more than 220 mg/l; S.S. not more than 260 mg/l. As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

OPERATION AND MAINTENANCE COSTS. Include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state, and local requirements (these costs include replacement).

OTHER SERVICE CHARGES. Tap charges, connection charges, area charges, and other identifiable charges, other than user charges, debt service charges and excessive strength surcharges.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL USER. A user of the sewage works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like.

SEWAGE USE ORDINANCE. The ordinance now or hereafter codified in this chapter.

SEWER INDUSTRIAL COST RECOVERY ORDINANCE. A separate and companion enactment to this subchapter, which provides for recovery from industrial users of the sewage works of a portion of the federal grant amount allocable to the construction of sewage facilities for transporting industrial waste pursuant to Section 204(b) of PL 92-500 and 40 CFR 35.928(1) and (2).

SUSPENDED SOLIDS or S.S. This term shall have the meaning assigned to it in this chapter.

TOWN. The Town of Highland, Indiana, acting by and through the Board of Sanitary Commissioners.

USER CHARGE. A charge levied on users of the wastewater sewage works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.

USER CLASS. The division of wastewater sewage customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental in the user charge system and as industrial and non-industrial in the industrial cost recovery system). ('83 Code, § 17-81) (Ord. 765, passed 3-20-78)

§ 171.61 GENERAL BASIS, CLASSIFICATION, AND THE LIKE.

(A) Every person whose premises are served by the sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the sewage works in terms of volume. User charges are levied to defray the cost of operation and maintenance (including replacement) of the sewage works. User charges shall be uniform in magnitude within a user class.

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register, August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage system structure equipment.

(C) The various classes of users of the sewage works for the purposes of this part, shall be as follows: Class I.

- (1) Residential;
- (2) Commercial;
- (3) Governmental;
- (4) Institutional;
- (5) Wholesale residential;
- (6) Industrial.

('83 Code, § 17-82) (Ord. 765, passed 3-20-78)

§ 171.62 ESTABLISHED; PAYMENT REQUIRED.

(A) For users of the sewage works who are also metered users of the municipal water works, the basis for user fees will be comprised of a combined disposal, collection and treatment rate which will be based upon metered usage and a second component which will be a flat fee or base rate to be based upon the size of water meter servicing the user, all pursuant to I.C. 36-9-25-12. Water meters shall be read and sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water works utility, pursuant to Chapter 190 of this code.

(B) For the period beginning **January 1, 2008** the following fees and charges are hereby fixed and in effect as follows:

- (1) Combined disposal, collection and treatment (metered) rate: **\$2.35 per 1,000 gallons of flow**, plus a base charge to be identified as a monthly base rate;
- (2) Base rate as follows:

Monthly Base Rate

Meter Size	Base Rate Total
5/8"	\$4.04
"	\$5.36
1"	\$9.08
1 1/2"	\$14.12
2"	\$20.06
3"	\$34.13
4"	\$77.49
	\$137.66

- (3) The base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed.
- (4) An additional charge of **\$4.09** monthly for each dwelling unit over one serviced through a single water meter shall be added to the above rates.
- (5) For users of the sewage works that are un-metered users of the municipal water works, the monthly charge shall be determined by equivalent single-family units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which said rates shall be determined is as follows:

Monthly Rate

User	Total
Un-metered residential: Single Family / Residence Unit	\$22.31

(C) For the period beginning **January 1, 2009** the following fees and charges are hereby fixed and in effect as follows:

- (1) Combined disposal, collection and treatment (metered) rate: **\$2.47 per 1,000 gallons of flow**, plus a base charge to be identified as a monthly base rate;

- (2) Base rate as follows:

Monthly Base Rate

Meter Size	Base Rate Total
5/8"	\$4.24
"	\$5.63
1"	\$9.53
1 1/2"	\$14.83
2"	\$21.06
2 1/2"	\$35.84
3"	\$81.36
4"	\$144.54

- (3) The base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed.
- (4) An additional charge of **\$4.29** monthly for each dwelling unit over one serviced through a single water meter shall be added to the above rates.
- (5) For users of the sewage works that are un-metered users of the municipal water works, the monthly charge shall be determined by equivalent single-family units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which said rates shall be determined is as follows:

Monthly Rate

User	Total
Un-metered residential: Single Family / Residence Unit	\$23.43

(D) For the period beginning **January 1, 2010** and after the following fees and charges are hereby fixed and in effect as follows:

- (1) Combined disposal, collection and treatment (metered) rate: **\$2.59 per 1,000 gallons of flow**, plus a base charge to be identified as a monthly base rate;
- (2) Base rate as follows:

Monthly Base Rate

Meter Size	Base Rate Total
5/8"	\$4.45

"	\$5.91
1"	\$10.01
1 1/2"	\$15.57
1 3/4"	\$22.11
2"	\$37.63
3"	\$85.43
4"	\$151.77

- (3) The base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed.
- (4) An additional charge of **\$4.50** monthly for each dwelling unit over one serviced through a single water meter shall be added to the above rates.
- (5) For users of the sewage works that are un-metered users of the municipal water works, the monthly charge shall be determined by equivalent single-family units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which said rates shall be determined is as follows:

Monthly Rate

User	Total
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Un-metered residential: Single Family / Residence Unit	\$24.60
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- (E) For the service rendered to the Town of Highland, the town shall be subject to the same rates and charges as herein provided.
- (F) For users of the sewage works that either indirectly or directly use water from a source other than that of the municipal water works or that is measured from a water meter that is not acceptable to the Board of Sanitary Commissioners, the Board may require the person at his own expense to furnish, install, and maintain a water or sewage measuring device acceptable to the Board, pursuant to I.C. 36-9-25-12(d).
- (G) That for the purposes of this chapter, sewage works shall be construed and have the meanings according to the definitions set forth in I.C. 36-9 et seq. and will include but not necessarily be limited to services or activities related to the following:
 - (1) Sewage treatment plants;
 - (2) Intercepting sewers;
 - (3) Main sewers;
 - (4) Submain sewers;
 - (5) Local sewers;
 - (6) Lateral sewers;
 - (7) Outfall sewers;
 - (8) Storm sewers;

- (9) Force mains;
 - (10) Pumping stations;
 - (11) Ejector stations; and
 - (12) Any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, solid waste, sewage, storm drainage, and other drainage of the municipality.
- (`83 Code, § 17-83) (Ord. 765, passed 3-20-78; Am. Ord. 765E, passed 9-25-89; Am. Ord. 765F, passed 6-13-94; Am. Ord. 1090.765-G, passed 7-3-98)

§ 171.63 ADEQUACY AND PURPOSES OF RATES, CHARGES AND FEES.

The fees set forth in this enactment together with the taxes levied under I.C. 36-9-25 et seq., must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses of the sanitary district and sewage works, to pay the principal and interest on bonds of the sanitary district and sewage works as they become due and payable, and to provide money for the revolving fund authorized.

(Ord. 1090.765-G, passed 7-13-98)

§ 171.64 SPECIAL ADJUSTMENTS.

(A) Adjustments for lawn sprinkling or other situations where town's water meter inaccurately reflects sewage created.

- (1) The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the town shall be determined by the district in such manner as the district shall reasonably elect, and the sewage service shall be billed at the above appropriate rates. Further, as in hereinafter provided in this section, the district may make proper allowances in determining the sewage bill for quantities of water shown on the records to have been consumed, but which are also shown to the satisfaction of the district that such quantities do not enter the sanitary-sewage system.
- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the district's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the district, then the amount of water used shall be otherwise measured or determined by the district. In order to ascertain the rate or charge provided in this part, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the district for the determination of sewage discharge.
- (3) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the district's sanitary sewerage system, either directly or indirectly, is a user of water supplied

by the water utility serving the town and, in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the district, then the amount of water used shall be otherwise measured or determined by the district. In order to ascertain the rates or charges, the owner or other interested parties, shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the district for the determination of sewage discharge.

- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the district's sanitary sewerage system, either directly or indirectly, and uses water in excess of 25,000 gallons per month, and it can be shown to the satisfaction of the district that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the district for the determination of sewage discharge.
- (5) (a) In order that single-family residential users of sewage service shall not be penalized for sprinkling their lawns, the following schedule of rates and charges shall apply to said single-family residential users:
 - i. The sewer charges for May and June shall be calculated on the basis of water usage in the months of November and December, respectively. The sewer charges for July and August shall be calculated on the basis of water usage in the months of January and February, respectively.
 - ii. In the event that the total actual water usage for said months of May, June, July and August in subdivision 1 above is less than the total actual water usage for said months of November, December, January and February, then the charges for the months of May, June, July and August shall be calculated on the basis of the total actual water used in these months.
 - iii. The sewer charges for June and July shall be calculated on the basis of water usage in the months of December and January, respectively. The sewer charges for August and September shall be calculated on the basis of water usage in the months of February and March, respectively.
 - iv. In the event that the total actual water usage for said months of June, July, August and September in subdivision 3 above is less than the total actual water usage for said months of December, January, February and March, then the charges for the months of June, July, August and September shall be calculated on the basis of

the total actual water used in these months.

- (b) The aforementioned provisions shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence. Said provisions shall not apply to any premises which are partially or wholly used for multi-family, commercial or industrial purposes. In the event a portion of such premises shall be used for single-family residence, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the provisions hereunder shall be applicable to that portion of the premises used for residential purposes.

(B) Special adjustments for industrial users.

- (1) In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the district shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The district shall require the industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the district may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The industrial user shall furnish a central sampling point available to the district at all times.
 - (2) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 220 milligrams per liter of fluid or suspended in excess of 260 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (a) There shall be an additional charge of \$1.822 per 100 pounds for suspended solids received in excess of 260 milligrams per liter of fluid.
 - (b) There shall be an additional charge of \$4.213 per 100 pounds of biochemical oxygen demand for BOD received in excess of 220 milligrams per liter of fluid.
 - (3) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association, the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation 40 CFR 136, published in the Federal Register on October 16, 1973.
- (`83 Code, §§ 17-84 and 17-85) (Ord. 765, passed 3-20-78)

§ 171.65 COLLECTION, BILLING, AND THE LIKE. (Confer §171.05)

(A) The rates and charges established in this chapter shall be prepared, billed and collected by the town for the district in the manner provided by law and ordinance.

(B) The rates and charges for all users shall be prepared and billed bimonthly.

(C) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the district for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(D) As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10% of such rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at 30 days after the date of mailing of the bill.

('83 Code, § 17-86)

§ 171.66 ANNUAL REVIEW.

In order that the rates and charges for sewage services may remain fair and equitable and be in proportion of the cost of providing services to the various users or user classes, the district shall cause an annual study to be made within a reasonable period of time following the normal accounting period. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation, maintenance and replacements to the sewerage system. Said studies shall be conducted by officers or employees of the district or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountant, or engineers as the district shall determine to the best under the circumstances.

('83 Code, § 17-87) (Ord. 765, passed 3-20-78)

§ 171.67 DISTRICT TO MAKE CERTAIN REGULATIONS.

The district shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the districts sewerage system and pumping stations, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of rates and charges. The district is hereby authorized to prohibit dumping of wastes into the district's sewage system which, in its discretion, are deemed harmful to the operation of the sewage works of said district, or to require methods affecting pretreatment of said wastes

to comply with the pretreatment standards included in the NPDES permit issued to the sewage works.

('83 Code, § 17-88) (Ord. 765, passed 3-20-78)

§ 171.68 CHARGES FROM HAMMOND SANITARY DISTRICT.

Sewage collected by the Highland Sanitary District presently shall flow to the Hammond Sanitary District for treatment. The Hammond Sanitary District shall bill the Highland Sanitary District for treatment of said district's sewage. The charge for transportation and treatment is not addressed in this section, but shall be based on negotiation between all parties concerned and in compliance with the Clean Water Act, as amended.

('83 Code, § 17-89) (Ord. 765, passed 3-20-78)

STORM WATER MANAGEMENT

§ 171.70 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. They shall be complimentary to and not contradictory of the definitions set forth in Section 171.01 of this chapter.

BOARD. The Board of Sanitary Commissioners of the Sanitary District of Highland, Indiana, or any duly authorized officials acting in its behalf.

CODE. Code shall mean the Highland Municipal Code.

COUNCIL shall mean the Town Council of the Town of Highland, or any duly authorized officials acting on its behalf.

COUNTY REGULATED DRAIN shall mean part of the storm water conveyance system under the jurisdiction of the Lake County Drainage Board, including certain ditches, tiles and sewers.

DISTRICT. The Sanitary District of Highland, acting by and through the Board of Sanitary Commissioners.

DRAIN shall mean any sewer, tile, ditch, stream or other storm water conveyance channel or conduit.

EQUIVALENT IMPERVIOUS AREA shall mean the square foot sum of all land cover types multiplied by the corresponding runoff coefficient for each land cover type, as identified as follows:

<u>Land Cover</u>	<u>Runoff Coefficient</u>
Asphalt and concrete drives, walks and parking	0.90

Rooftops	0.90
Grass, lawns, parks, golf courses and cemeteries	0.20
Unimproved land, wood and agricultural	0.20
Gravel drives and parking	0.65
Ponds and lakes	0.05

EQUIVALENT RESIDENTIAL UNIT (ERU) shall mean a unit value equal to the average amount of equivalent impervious area of a residential property within the Town of Highland and established at 5,000 square feet. It is also the basis for calculating the proper assessment of storm water charges to all users for the Highland Storm Water System.

“HSD” shall mean Sanitary District of Highland.

IMPERVIOUS AREA shall mean the total surface area (asphalt, concrete, stone, etc.) that is contained on a lot or parcel, or within a development tract. Hard surface area shall include, but not be limited to, driveways, parking areas, sidewalks or other paved areas, and all areas under roof.

INFILTRATION. shall mean a complex process of allowing storm water runoff to penetrate the ground surface and flow through the upper soil surface.

“MAY” is permissive.

MULTI-FAMILY UNITS, for the purposes of the storm water management function, shall mean a lot or parcel of land on which is situated a building containing two (2) or more dwelling units or on which two (2) or more buildings each containing multiple dwelling units are situated.

NON-RESIDENTIAL PROPERTY, for the purposes of the storm water management function shall mean all properties not encompassed within the definition of Residential Property shall be defined as Non-Residential Property. Non-Residential Property shall include, but not necessarily be limited to:

- Agricultural property;
- Commercial property;
- Industrial property;
- Institutional property;
- Governmental property;
- Churches;

- Schools;
- Federal, state and local government owned property; and
- Any other property not mentioned herein and not specifically defined as either Residential Property or Vacant Residential Property.

PERVIOUS AREA shall mean real property that has a runoff coefficient of less than 0.90.

PRIVATE STORM WATER FACILITIES shall mean various storm water and drainage works not under the control or ownership of the Town, County, State and/or Federal Government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate storm water.

PUBLIC STORM WATER FACILITIES shall mean the various storm water and drainage works under the control and/or ownership of the Town, County, State or Federal Government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate storm water.

RATE CATEGORY, for the purposes of the storm water management function, shall mean the following equivalent square footage of hard and semi-impervious surfaces (buildings, structures, paved surfaces, etc.) and impervious area of a property times the water runoff coefficient factor for residential and non-residential user classes as set forth in Section 3(a) herein:

Unit	C x A Factor ⁽¹⁾	<u>ERU</u>
Residential		
Single Family Unit		1.00
Multiple Family Units		
	1 to 4 units (each)	.75
	5 to 12 units (each)	.55
	greater than 12 units (each)	.35
Non-Residential		
Category 1	0 - 5,000 ft ²	1
Category 2	5,001 – 40,000 ft ²	4
Category 3	40,001 – 100,000 ft ²	12
Category 4	Over 100,000 ft ²	20

⁽¹⁾ Composite Water runoff coefficient factor times area.

REPLACEMENT COSTS, for the purposes of the storm water management function, shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of storm water collection facilities to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL PROPERTY, for the purposes of the storm water management function, shall mean real property consisting of a lot or parcel or contiguous lots or parcels of single ownership on which a building, or buildings or a mobile home is situated, which structure(s) contains a group of rooms forming habitable dwelling unit or units with facilities that are used or are intended to be used primarily for living, sleeping, cooking and eating.

RUNOFF COEFFICIENT, for the purposes of the storm water management function, shall mean the ratio of peak flow from a drainage area (in cubic feet per second) and the product of rainfall intensity (in inches per hour) over a given land area (in acres). A measure of how much storm water runoff is produced in response to the rainfall.

SEWAGE WORKS shall have the same meaning as defined in IC 36-9-1-8.

SHALL is mandatory;

STORM SEWER shall mean a sewer designed or intended to convey only storm water, surface runoff, street wash waters and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry storm water or surface drainage only, which begins at the grating or opening where water enters said sewer, through the sewer or any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

STORM WATER shall mean the chemical compound of hydrogen and oxygen, which is produced from atmospheric clouds as rain, snow, sleet and hail.

STORM WATER SYSTEM shall mean all constructed facilities, structures and natural watercourses under the ownership, and/or control of the Town and/or the HSD, used for collecting and conducting storm water to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, manholes, ditches, streams, culverts, retention or detention basins and pumping stations, and excluding there from, any part of the system of drains and watercourses under the jurisdiction of the Lake County Drainage Board.

STORM WATER UTILITY CUSTOMER/USER shall mean a person, firm, corporation, association, municipality or other political subdivision having an

interest as owner, in any property which is within the jurisdiction of the department of public sanitation and its sanitary district and receiving services related to storm water and or watershed management, either temporarily or permanently, from the Highland Department of Public Sanitation its Sanitary District.

STORM WATER UTILITY USER FEE shall mean a charge imposed on users of the HSD's Public Storm Water Facilities and Storm Water System.

SUPERINTENDENT shall mean the public works director or a designee acting as the administrative leader of the utility.

USER CLASS, for the purposes of the storm water management function shall mean the division of storm water properties between residential and non-residential.

VACANT PROPERTY shall mean a lot or parcel of real property on which there does not exist a building or structure.

§ 171.71 APPLICATION OF STORMWATER MANAGEMENT SERVICES AND CHARGES.

(A) Every User shall be charged for the services provided. These charges are established for each User Class, as defined, in order that the storm water utility shall recover, from each User and User Class, revenue, which is proportional to its measurement of impervious area. These various classes of Users of the storm water collection system for purposes of this ordinance shall be as follows:

- | | |
|----------|-----------------|
| Class 1. | Residential |
| Class 2. | Non-Residential |

(B) For purposes of the storm water management function, the definitions of these User Classes shall be:

- (1) *Residential User Class.* Shall include (i) a lot or parcel improved with a structure used primarily as a single-family or two-family residence, or (ii) a lot or parcel improved with a structure used primarily for residential purposes having less than 5,000 square feet of equivalent impervious area, each of which discharge storm water, directly or indirectly, into the storm water system of the Town.
- (2) *Non-Residential User Class.* Shall include all other properties that do not meet the definition of Residential User Class and that discharge storm water, directly or indirectly, into the storm water system of the Town.

§ 171.72 STORMWATER MANAGEMENT RATES and CHARGES

(A) For use of and the service rendered by said storm water utility, User Fees shall be collected from Users. The storm water management fees shall be charged according to the following schedule:

Storm Water Management Fees Schedule

(Fees initiated 11/04)

(1) For the period beginning **February 1, 2008** the following fees and charges are in effect:

	<u>Monthly Fees</u>
Residential	
Single-Family Unit	\$ 7.30
Multiple-Family Units	
1 to 4 units (each)	\$ 5.47
5 to 12 units (each)	\$ 4.01
Greater than 12 units (each)	\$ 2.55
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 7.30
Category 2 (5,001 – 40,000 sq. ft.)	\$ 29.19
Category 3 (40,001 – 100,000 sq. ft.)	\$ 87.57
Category 4 (Over 100,000 sq. ft.)	\$ 145.95

(2) For the period beginning **January 1, 2009** the following fees and charges are in effect:

	<u>Monthly Fees</u>
Residential	
Single-Family Unit	\$ 7.66
Multiple-Family Units	
1 to 4 units (each)	\$ 5.74
5 to 12 units (each)	\$ 4.21
Greater than 12 units (each)	\$ 2.68
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 7.67
Category 2 (5,001 – 40,000 sq. ft.)	\$ 30.75
Category 3 (40,001 – 100,000 sq. ft.)	\$ 91.95
Category 4 (Over 100,000 sq. ft.)	\$ 153.25

(3) For the period beginning **January 1, 2010** and after the following fees and charges are in effect:

	<u>Monthly Fees</u>
Residential	
Single-Family Unit	\$ 8.05

Multiple-Family Units

1 to 4 units (each)	\$ 6.03
5 to 12 units (each)	\$ 4.42
Greater than 12 units (each)	\$ 2.81

Non-Residential

Category 1 (0 - 5,000 sq. ft.)	\$ 8.05
Category 2 (5,001 – 40,000 sq. ft.)	\$ 32.29
Category 3 (40,001 – 100,000 sq. ft.)	\$ 96.55
Category 4 (Over 100,000 sq. ft.)	\$ 160.91

(B) For the service rendered to the Town of Highland, said Town shall be subject to the same User Fees herein above provided. Impervious area located within a public dedicated or public owned right-of-way shall not be subject to a User Fee.

(C) *Federal, State, Town, County and Private Roadways.* Streets, roads, highways and bike paths shall be given 100% credit as they form an integral part of the storm water system. The surface water control system incorporated in design of roadways are areas engineered to convey all design runoff without street flooding. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests.

§ 171.73 STORMWATER MANAGEMENT APPEALS of ERU's

(A) If a Storm Water Utility Customer/User determines that the ERU multiple assigned to said user's real property is incorrect for any reason, said Storm Water Utility Customer/User shall have the right to appeal the ERU determination and thus the rate assessed in the following manner:

(1) The Storm Water Utility Customer/User shall obtain and complete a Petition to Appeal Storm Water Rate form ("Petition"), which shall be returned to the Town of Highland Clerk-Treasurer with verifiable documentation supporting the appeal.

(2) The Superintendent shall investigate the appeal and, upon review thereof, shall render a written determination to the Board and the Storm Water Utility Customer/User that either the original ERU determination and assessed rate should be affirmed or the Storm Water Utility User Fee should be adjusted in accordance with the Petition.

(3) If a Petition to appeal is denied, said determination shall be forwarded to the Storm Water Utility Customer/User by certified mail, return receipt requested. The Storm Water Utility Customer/User shall then have thirty (30) days from the date of receipt of said determination to request a reconsideration by the Board. Any additional facts concerning the appeal shall be submitted in writing to the HSD, along with a copy of the original Petition and supporting documents, to the Board. The Superintendent shall submit a

written report of the determination in the case, along with any documents used in denying the appeal.

(4) Thereafter, the Board shall review all documentation and, if requested in writing by the Storm Water Utility Customer/User, conduct a hearing to determine and resolve the appeal. Such hearing will be scheduled by the HSD and the Storm Water Utility Customer/User will be notified by certified mail of the date of such hearing, which notice shall be received by the Storm Water Utility Customer/User at least seven (7) days prior to the date of such hearing. A written opinion shall be rendered within forty-five (45) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Board shall constitute the final HSD determination. The hearing shall be electronically recorded and if requested by the Storm Water Utility Customer/User, a transcript of the hearing shall be provided to the Storm Water Utility Customer/User. The Storm Water Utility Customer/User will be charged at a cost per page as determined by the Board, in accordance with applicable law as amended from time to time.

(B) A Storm Water Utility Customer/User aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with applicable Indiana law.

(C) If the Superintendent or Town Engineer recommends the Storm Water Utility User Fee be reduced, or reduction is ordered by the Director, the Board or any court of competent jurisdiction, the Storm Water Utility Customer/User shall be credited accordingly for any overpayment made from the date of Petition.

(D) Dispute or appeal of an ERU determination or storm water service rate shall not be a valid reason for non-payment of the originally assessed storm water utility user fee by the Storm Water Utility Customer/User.

§ 171.74 STORMWATER MANAGEMENT BILLING and COLLECTION

(A) The User Fees for all Users shall be prepared and billed monthly, along with the charges for other Town utility services rendered to properties located within the Town of Highland.

(B) The User Fee shall be due on the payment date set out for the utility bill. It shall be a violation of this enactment to fail to pay a storm water service bill when due, which due date shall be the same as that for wastewater services.

(C) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is hereby fixed at thirty (30) days after the due date of the bill.

(D) *Collection.* In addition to the penalties and charges provided herein, delinquent User Fees may be collected in a civil action along with other delinquent utility charges by the HSD and the HSD shall be permitted to collect its reasonable attorney's fees and court costs.

§ 171.75 SUFFICIENCY OF FEES AND CHARGES

The fees set forth in this chapter together with the taxes levied under I.C. 36-9-25 *et seq.*, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses of the sanitary district and sewage works, to pay the principal and interest on bonds of the sanitary district and sewage (storm water/wastewater) works as they become due and payable, and to provide money for the revolving fund authorized;

§ 171.76 COMPATIBILITY OF PROVISIONS

That the provisions of this subchapter shall be considered a companion to the rates and charges as well as the associated rules and regulations in effect for the waste water management function of the district;

SEWER and EXTENSION FUND

§ 171.80 ESTABLISHMENT

(A) A **sewer and extension fund** is hereby established in the Department of Public Sanitation to be governed by the Board of Sanitary Commissioners to be used by Board if it elects to construct, repair, extend, or improve a sewage works according to the provisions of IC 36-9-39.1 *et sequitur*;

(B) If the Board so elects to use this fund to construct, repair, extend, or improve a sewage works according to the provisions of IC 36-9-39.1 *et sequitur*, it may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under the terms of IC 36-9-39.1 and this subchapter of the municipal code.

§ 171.81 FUND RESOURCES

(A) The fund consists of the following:

- (1) A special assessment imposed and collected under IC 36-9-39.1-7. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.
- (2) An appropriation to the fund, which may including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

- (3) From an appropriation in the Sanitary District Special Operating Fund, set aside and transferred to the Fund;
 - (4) From an expenditure in the Sewage Works Operating and Maintenance Fund, set aside and transferred to the Fund;
 - (5) From a repayment out of the proceeds of the sale of bonds to the extent that the expenses paid are chargeable to the costs outlined in a bond resolution of the Board adopted pursuant to IC 36-9-25-18;
 - (6) From money derived from state or federal reimbursement grants, if applicable;
 - (7) From assessments levied on benefiting property for such projects as have been or as hereinafter may be identified by the Board of Sanitary Commissioners;
- (B) That pursuant to Indiana Code Title 36, Article 9, Chapter 25, section 33 and Indiana Code Title 5, Article 13, Chapter 9, monies in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited with the fund;

§ 171.82 APPROPRIATION OF MONEY FOR SEWAGE WORKS

- (A) The board may adopt a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works, subject to IC 36-9-25, sections 34 and 37, which also considers the funds appropriated already.
- (B) Any costs not paid under Section § 171.82 (A) must be paid by:
 - (1) An assessment imposed under IC 36-9-39.1-7 (c) against the benefited properties; or
 - (2) A contract under IC 36-9-22. Any interest or penalties attributable to an assessment under this section must be deposited in the fund.
 - (3) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

§ 171.83 CONTRACTS for SEWAGE WORKS

- (A) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make

and finance public improvements.

(B) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (3) prepare and make out an assessment roll listing the assessments against the properties benefited. In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(C) An assessment under this subchapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(D) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(E) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(F) All payments under this subchapter are deposited into the fund.